

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Sinclair Oil / Sunlight Ranch Co.
P.O. Box 30825
Salt Lake City, UT 84130-0825
2. *Type of action:* Application for Beneficial Water Use No. 43D 30022344
3. *Water source name:* Bear Creek
4. *Location affected by project:* SE SE NW in Section 7, Township 8 South, Range 22 East, in Carbon County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This is an application to pump 10 GPM out of Bear Creek to fill one existing, and two proposed stock tanks. The water will be delivered with a 1 ½" poly pipeline that will stretch from the stream bank to approximately 7500' away from the stream. The three stock tanks will water around 200 animal units and appropriate a total 2 AF per year. The proposed point of diversion along Bear Creek is on land owned by Sinclair Oil & Sunlight Ranch Co. while a good portion of the pipeline and two of the stock tanks are on BLM property.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: Bear Creek is not listed as chronically or periodically dewatered by the Department of Fish Wildlife and Parks. The proposed use is minor compared to the available water in Bear Creek. This appropriation should not contribute to a dewatering situation on Bear Creek.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: This proposed use should have no significant impact on water quality issues in Bear Creek or around the proposed stock tanks.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: This proposed use of water should have no significant impact on groundwater quality or quantity in the area.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The application requests to install a perforated sump on the bank of Bear Creek. From this sump a ¾ HP pump will feed a 1 ½" poly pipeline that will in turn supply three stock tanks. The completed pipeline will stretch approximately 7500 feet from the bank of Bear Creek to the final stock tank along the line.

There will be impacts when the sump is installed on the bank of Bear Creek. Though, the impact from this construction is not expected to be significant.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: The Montana Natural Heritage Program has identified the Greater Sage Grouse species as the only species of special concern within this proposed project area. The proposed project should have little impact on the Greater Sage Grouse. There should be no barriers to migration or wildlife movement created as a result of this project.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: There are no wetlands within the project area, so there should be no significant impacts to wetlands from this proposed use.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This project does not involve a pond.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: This proposed use should not degrade soil quality or cause saline seep problems in the area. The water will be pumped to stock tanks and no water will be applied to the soil.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: There will be some soil disturbance during construction of this proposed project on the bank of Bear Creek. The pipeline will be laid along an existing road. As a result there will be a possibility that some spreading of noxious weeds may occur. It is expected that the landowner will control the spread of noxious weeds during the installation of the sump and the pipeline.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There should be no deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: This project is immediately adjacent to HWY 308 and all construction for the project will occur on private property owned by Sinclair Oil & Sunlight Ranch Co. The Montana State Historical Preservation Office did not find any archeological sites during a file search of this location.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Carbon County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: There should be no significant impacts on recreational or wilderness activities from this proposed use.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X___ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (g) Utilities? No significant impact
- (i) Transportation? No significant impact

(j) Safety? No significant impact

(j) Other appropriate social and economic circumstances? No significant impact

Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: The use of this water for irrigation could impact water users downstream of the sump site by causing less water to be available for irrigation, stock or domestic use.

Cumulative Impacts: As more development takes place in this area, there could be more demands on water for recreation, irrigation, and other uses. This could create more pressure on water resources down stream on Bear Creek.

Describe any mitigation/stipulation measures:

The applicant is aware that they would be required to cease using water if the use of the water is adversely impacting the rights of downstream users.

Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:

The preferable action would be to allow Sinclair Oil & Sunlight Ranch Co. to install the sump and to divert the 8 GPM to water stock.

The “no action” alternative would mean these stock tanks would continue to be supplied by the on site wells that have unreliable production. The third proposed stock tank would not be installed under the “no action” alternative.

PART III. Conclusion

Preferred Alternative:

2. ***Comments and Responses:*** None to report

3. ***Finding:***

Yes___ No X___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS is required.

Name of person(s) responsible for preparation of EA:

Name: Tim Lewis

Title: Water Resources Specialist

Date: June 21, 2006